

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 08-111-GMS
	:	
THOMAS PENDLETON,	:	
	:	
Defendant.	:	

MOTION TO EXTEND TIME TO FILE PRE-TRIAL MOTIONS

Defendant, Thomas Pendleton, by and through his undersigned counsel, Eleni Kousoulis, hereby moves the Court pursuant to Federal Rule of Criminal Procedure 45(b) and Local Rule 5(a), for an Order enlarging the time within which pre-trial motions may be filed.

In support of this motion, the Defendant submits as follows:

1. Pre-trial motions for this case are due by August 14, 2008.
2. Mr. Pendleton is charged with a violation of Title 18 U.S.C. § 2423(c). The constitutionality of this statute has not yet been decided by either the Supreme Court or the Third Circuit. Mr. Pendleton may wish to challenge the constitutionality of this statute. Defense counsel requires additional time to research this issue and to discuss this case with Mr. Pendleton to determine what pre-trial motions need to be filed.
3. Assistant United States Attorney, Ilana Eisenstein, the attorney handling this case for the government, does not oppose the defense's request for an extension of time in which to file any pre-trial motions, making this motion unopposed.

4. Defense counsel, therefore, respectfully requests a three week continuance in which to file pre-trial motions, to allow her sufficient time to research the issues involved in this case and to discuss the case with Mr. Pendleton.

5. The defense agrees to waive, pursuant to the Speedy Trial Act, any additional time given in which to file pre-trial motions.

WHEREFORE, it is respectfully requested that the time for Defendant to file pre-trial motions be extended to September 4, 2008.

Respectfully Submitted,

/s/ Eleni Kousoulis
Eleni Kousoulis, Esquire
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Attorney for Defendant Thomas Pendleton

Dated: August 12, 2008

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FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
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Plaintiff,	:	
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THOMAS PENDLETON,	:	
	:	
Defendant.	:	

ORDER

Having considered Defendant Pendleton's Motion to Extend Time to File Pre-trial Motions, **IT IS HEREBY ORDERED** this _____ day of _____, 2008, that pre-trial motions in this matter shall be due on the _____ day of _____, 2008, and that the time from August 14, 2008, up to the new due date for pre-trial motions to be filed shall be excluded under the Speedy Trial Act (18 U.S.C. § 3161, et seq.).

Honorable Gregory M. Sleet
Chief Judge, United States District Court